

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

THURMAN KIRKWOOD

PLAINTIFF

v.

CAUSE NO. 1:16CV119-LG-RHW

MARSHALL FISHER, ET AL.

DEFENDANTS

FINAL JUDGMENT

This matter is before the Court on submission of the Report and Recommendation of United States Magistrate Judge Robert H. Walker entered in this cause on July 31, 2017. The Court, having adopted the Report and Recommendation as the finding of this Court by Order entered this date, finds that this matter should be dismissed. Accordingly,

IT IS ORDERED AND ADJUDGED that the defendants' Motion [52] for Summary Judgment is **GRANTED**. Plaintiff's claims of failure to protect and destruction of legal paperwork are **DISMISSED without prejudice** for failure to exhaust. Plaintiff's claim of retaliation is **DISMISSED with prejudice**.

SO ORDERED AND ADJUDGED this the 31st day of August, 2017.

s\ *Louis Guirola, Jr.*

Louis Guirola, Jr.
Chief U.S. District Judge